

ISSUES

- (1) What is the nature and extent of claimant's injury and/or disability?
- (2) Whether claimant is entitled to future medical treatment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire evidentiary record, including the stipulations of the parties, the Appeals Board makes the following findings of fact and conclusions of law:

The findings of fact and conclusions of law set forth by the Administrative Law Judge in the Award are set out and discussed in some detail and it is not necessary to repeat same herein. The findings and conclusions enumerated in the Award of the Administrative Law Judge are accurate and appropriate and the Appeals Board adopts same as its own findings and conclusions as if specifically set forth herein as to the issues raised. As such, the Appeals Board finds the Award of the Administrative Law Judge should be, and is hereby, affirmed.

The Administrative Law Judge, in denying claimant additional compensation, found claimant had failed to sustain his burden of proving that a permanent aggravation of a preexisting condition resulted from the injuries suffered while claimant was employed with the respondent. The medical evidence was persuasive in that regard. As such, the Appeals Board finds the Award of Administrative Law Judge Bruce E. Moore, which granted claimant medical benefits and temporary total disability compensation only from this injury, should be, and is hereby, affirmed.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Bruce E. Moore dated November 30, 1995, should be, and is hereby, affirmed in all respects.

IT IS SO ORDERED.

Dated this ____ day of March 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Jan L. Fisher, Topeka, KS
Scott J. Mann, Hutchinson, KS
David G. Shriver, McPherson, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director